



THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

HON. SYLVIA O. HINDS-RADIX
Corporation Counsel

THOMAS LAI
Senior Counsel
E-mail: tlai@law.nyc.gov
Phone: (212) 356-2336
Fax: (212) 356-3509

January 27, 2023

VIA ECF

Honorable Ona T. Wang
United States Magistrate Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

MEMO ENDORSED.

Re: *Pedro Almonte et al. v. The City of New York et al.*, 22-CV-02903 (JPC)(OTW)

Your Honor:

I am a Senior Counsel in the Office of the Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, and attorney for defendants City of New York, Pedro Roche, Kevin Harding, and Robert Divers ("City Defendants"). I write to respectfully request that the Court adjourn the February 1, 2023 initial conference to a future date and time convenient to the Court. *ECF No. 21*. This is the first request for an adjournment and plaintiffs consent to this request.

By way of background, plaintiffs Pedro Almonte, Heury Almonte, Genaro Almonte, Xiomara Almonte, and Anabel Almonte on behalf of her minor child, C.A, bring this action, pursuant to 42 U.S.C. § 1983, against the City Defendants and John Does 1-4, alleging, *inter alia*, that, on April 8, 2019, defendants Roche, Harding, and Divers unlawfully searched plaintiffs' home and subjected them to excessive force. Plaintiffs further allege that plaintiff Pedro Almonte was prosecuted without probable cause. Additionally, plaintiffs purport to bring a *Monell* claim against the City of New York under a failure to train theory of liability.

This matter was just transferred to the undersigned from another Assistant Corporation Counsel who is no longer with this office and the undersigned recently assumed representation on behalf of the City Defendants. As such, additional time is needed to fully review the case file and the discovery produced to date so that I can meaningfully confer with plaintiff in accordance with Your Honor's Initial Case Management Conference Order.

Thus, City Defendants respectfully request that the February 1, 2023 initial conference be adjourned to a future date and time convenient for the Court. The parties have conferred and are available on March 1, 2023 or March 7, 2023. Thank you for your consideration of the instant application.

Respectfully submitted,

Thomas Lai /s

Thomas Lai
Senior Counsel
Special Federal Litigation Division

To: **VIA ECF**

Glenn Andrew Garber
Robert Howard Rickner
Stephanie Panousieris
Attorneys for Plaintiff

Application **GRANTED**. The Initial Case Management Conference previously scheduled for February 1, 2023, is hereby adjourned to **Tuesday, April 4, 2023 at 11:30 a.m.**

SO ORDERED.



Ona T. Wang 1/30/23
U.S.M.J.